(COPY.)

TORONTO, 22d DECEMBER, 1835.

MAY IT PLEASE YOUR EXCELLENCY:

The Judges take the liberty of suggesting to Your Excellency, that the treatment of Prisoners confined on criminal charges in the several Gaols in this Province appears to call for the establishment, by Legislative authority, of more precise and satisfactory regulations than are at present provided.

In some of the Districts, the Gaol allowance of food to such Prisoners includes a proportion of meat and vegetables, but we are not sure that this is the case generally; and we are informed that the Magistrates of the Home District have, for a long time, declined to authorise the furnishing of any other diet than bread and water. At the present time, during the inclemency of a severe winter, there are in the Gaol of the Home District many prisoners, both convicts and persons yet untried, who have no other sustenance.

It may probably be difficult, or impossible, for the Magistrates in some of the Districts to defray, out of the present rates, all the charges to which the District funds are liable; but it appears to the Judges that there can be no claim upon those funds entitled to take precedence of the indispensable charge for providing whatever may be necessary for preserving Prisoners from absolute suffering. The wants of medical attendance, fuel, bedding, clothing and food, should, we conceive, be provided for in all cases to such an extent as to prevent absolute suffering, and the danger of permanent injury to the health of the prisoner.

We do not conceive that bread and water alone ought to be considered a sufficient diet, though in the quantity and quality of the meat and vegetables to be added to it, it will of course be reasonable and necessary to consult economy.

With respect to convicts under sentence of death for murder, whose term of imprisonment cannot be long, the law makes special provision; but with regard to other convicts, a better diet than bread and water should, we think, be supplied; and most certainly those prisoners who are awaiting their trial should not be restricted to what is barely sufficient, even under more favorable circumstances, to sustain nature.

Such bedding also, and coarse warm clothing, as may be necessary, ought in our opinion to be furnished; and if the charge of providing these things, together with the other expenses of the Districts, cannot be defrayed out of their ordinary means, it may be found expedient to apply to the Legislature to bestow their consideration upon the subject.

Our reason for troubling Your Excllency with this representation, at the present moment, is, that there are now confined in the Gaol of this District a number of prisoners, some of whom, we have reason to apprehend, are in a state of suffering, from the want of what we regard as the absolute necessaries of life; and we earnestly recommend their case to the immediate notice of the Government.

We are aware that private charity might, and would, if appealed to, extend its aid to these miserable objects; but besides that such a resource is precarious and unsteady, it is already heavily burthened by other claims; and the proper maintenance of prisoners seems to us to be a charge peculiarly incumbent upon the Civil authority.

We have the honor to be,
Your Excellency's most obedient,
Humble Servants,

JNO. B. ROBINSON, *C. J.*
L. P. SHERWOOD, *J.*
J. B. MACAULAY, *J.*

1837

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